

1 **SECTION 77.** 7.30 (2) (b) of the statutes, as affected by 2005 Wisconsin Act 27,
2 is amended to read:

3 7.30 (2) (b) When a vacancy occurs in an office under this section, the vacancy
4 shall be filled by appointment of the municipal clerk. ~~The~~ Unless the vacancy occurs
5 in the position of an inspector appointed under sub. (1) (b), the vacancy shall be filled
6 from the remaining names on the lists submitted under sub. (4) or from additional
7 names submitted by the chairperson of the county party committee of the
8 appropriate party under sub. (4) whenever names are submitted under sub. (4) (d).
9 If the vacancy is due to candidacy, sickness or any other temporary cause, the
10 appointment shall be a temporary appointment and effective only for the election at
11 which the temporary vacancy occurs. The same qualifications shall be required of
12 persons who fill vacancies. Vacancies may be filled in cases of emergency or because
13 of time limitations by a person from another aldermanic district or ward within the
14 municipality.

15 **SECTION 78.** 7.30 (2) (c) of the statutes is amended to read:

16 7.30 (2) (c) The governing body of any municipality may require all persons
17 serving as election officials to prove their ability to read and write English and to
18 have a general knowledge of the election laws. Examinations may be given to prove
19 the qualifications can be met. The municipal clerk shall ensure that all training
20 meets the training requirements ^{prescribed} ~~promulgated~~ ^{promulgated} ~~in rules~~ ^{ss.} ~~by the board under s. 7.31.~~

21 **SECTION 79.** 7.30 (4) (a) of the statutes is amended to read:

22 7.30 (4) (a) Except in cities where there is a board of election commissioners,
23 the mayor, president or board chairperson of each municipality shall nominate to the
24 governing body no later than their last regular meeting in December of each
25 even-numbered odd-numbered year the necessary election officials for each polling

1 place. If no regular meeting is scheduled, the mayor, president or chairperson shall
2 call a special meeting for the purpose of considering nominations no later than
3 December 31.

4 **SECTION 80.** 7.30 (4) (b) (intro.) of the statutes is amended to read:

5 7.30 (4) (b) (intro.) The 2 dominant parties, under sub. (2), are each responsible
6 for submitting a list of names from which the all appointees to inspector positions,
7 other than appointees to inspector positions authorized under sub. (1) (b), shall be
8 chosen.

9 **SECTION 81.** 7.30 (4) (b) 1. of the statutes is amended to read:

10 7.30 (4) (b) 1. In cities where there is a board of election commissioners, the
11 aldermanic district committeemen or committeewomen under s. 8.17 of each of the
12 2 dominant recognized political parties shall submit a certified list no later than
13 November 30 of each ~~even-numbered~~ odd-numbered year containing the names of
14 at least as many nominees as there are inspectors from that party for each of the
15 voting wards in the aldermanic district. The chairperson may designate any
16 individual whose name is submitted as a first choice nominee. The board of election
17 commissioners shall appoint, no later than December 31 of ~~even-numbered~~ odd-numbered years,
18 at least 5 inspectors for each ward. The board of election commissioners shall
19 appoint all first choice nominees for so long as positions are available, unless
20 nonappointment is authorized under par. (e), and shall appoint other individuals in
21 its discretion. The board of election commissioners may designate such alternates
22 as it deems advisable.

23 **SECTION 82.** 7.30 (4) (c) of the statutes is amended to read:

24 7.30 (4) (c) ~~For~~ Except with respect to inspectors who are appointed under sub.
25 (1) (b), for so long as nominees are made available by the political parties under this

1 section, appointments may be made only from the lists of submitted nominees. If the
2 lists are not submitted by November 30 of the year in which appointments are to be
3 made, the board of election commissioners shall appoint, or the mayor, president or
4 chairperson of a municipality shall nominate qualified persons whose names have
5 not been submitted. If an insufficient number of nominees appears on the lists as
6 of November 30, the board of election commissioners shall similarly appoint, or the
7 mayor, president or chairperson shall similarly nominate sufficient individuals to fill
8 the remaining vacancies. In addition, the mayor, president, or board chairperson of
9 the municipality shall similarly nominate qualified persons to serve in the inspector
10 positions authorized under sub. (1) (b). Any appointment which is made due to the
11 lack of availability of names submitted under par. (b) may be made without regard
12 to party affiliation.

13 **SECTION 83.** 7.30 (6) (a) of the statutes is amended to read:

14 7.30 (6) (a) The Except as provided in par. (am), the appointed election officials
15 shall hold office for 2 years and until their successors are appointed and qualified.
16 They shall serve at every election held in their ward during their term of office.

17 **SECTION 84.** 7.30 (6) (am) of the statutes is created to read:

18 7.30 (6) (am) A pupil appointed as an inspector under sub. (2) (am) shall serve
19 as an inspector only for the election for which he or she is appointed. Nothing in this
20 paragraph shall be construed to limit the number of times a pupil may be appointed
21 as an inspector.

22 **SECTION 85.** 7.30 (6) (b) of the statutes is amended to read:

23 7.30 (6) (b) Prior to the first election following the appointment of the
24 inspectors, the municipal clerk shall appoint one of the inspectors at each polling
25 place, other than an inspector who is appointed under sub. (1) (b), to serve as chief

1 inspector. No person may serve as chief inspector at any election who is not certified
 2 by the board under s. 7.31 at the time of the election. The chief inspector shall hold
 3 the position for the remainder of the term unless the inspector is removed by the clerk
 4 or the inspector ceases to be certified under s. 7.31, ~~except that whenever~~ Whenever
 5 wards are combined or separated under s. 5.15 (6) (b), the municipal clerk shall
 6 appoint another inspector who is certified under s. 7.31 to serve as chief inspector at
 7 each polling place designated under s. 5.15 (6) (b). If a vacancy occurs in the position
 8 of chief inspector at any polling place, the municipal clerk shall appoint one of the
 9 other inspectors who is certified under s. 7.31 to fill the vacancy.

10 SECTION 86. 7.30 (6) (c) of the statutes is amended to read:

11 7.30 (6) (c) If any election official appointed under this section lacks the
 12 qualifications set forth in this section, fails to attend training sessions required
 13 under s. 7.15 (1) (e) unless excused therefrom, is guilty of neglecting his or her official
 14 duties or commits official misconduct, the municipal clerk or board of election
 15 commissioners shall summarily remove the official from office and the vacancy shall
 16 be filled under sub. (2) (b).

17 SECTION 87. ~~7.31 (title)~~ of the statutes is amended to read:

18 7.31⁵ (title) Training and certification of chief inspectors, other election
 19 officials, special voting deputies, and special registration deputies.

20 SECTION 88. 7.31 (1) is renumbered (1) (a) and 7.31 (2) to (5) of the statutes are
 21 renumbered (b) to (e).

22 SECTION 89. 7.31 (2m) of the statutes is created to read:

23 ~~7.31 (2m)~~ (a) The board shall, by rule, prescribe the contents of the training that
 24 municipal clerks must provide to ~~municipal election officials~~ ^{inspectors}, other than chief

1 inspectors, ^{appointed} and to special voting deputies under s. 6.875 and special registration
2 ^{appointed} deputies under s. 6.26. ^{and 6.55(6)}

3 (b) 1. Except as provided in subd. 2., no individual may serve as an ~~election~~
4 ~~official~~ ^{inspector}, other than a chief inspector, ~~or~~ ^{as} as a special voting deputy under s. 6.875 or
5 a special registration deputy under s. 6.26 ^{or 6.55(6)} unless the individual has completed
6 training ^{for that election} provided by the municipal clerk pursuant to rules promulgated under par.

7 (a).

8 2. Only when an individual who has received training under subd. 1. is
9 unavailable to perform his or her election duties due to sickness, injury, or other
10 unforeseen occurrence may an individual who has not received training under subd.
11 1. be appointed to serve as an ~~election official~~ ^{inspector}, other than chief inspector, or a special
12 ^{deputy or special} voting or registration deputy. The appointment of an individual to serve under this
13 ^{be for a specific election} subdivision shall ~~last no longer than one day~~ and no individual may be appointed
14 under this subdivision more than one time in a two-year period.

15 ~~SECTION 90. 7.31 (3m) of the statutes is created to read:~~

16 ~~7.31 (3m)~~ ^{(2) 3B} The board shall, by rule, prescribe requirements for, and the content
17 of, training required of municipal clerks under s. 7.15 (1m). The board may provide
18 such training directly or arrange for such training to be provided by other
19 organizations. The rules may not require training more than once every two years.
20 The rules shall provide a method for notifying the relevant municipal governing body
21 if a municipal clerk fails to attend required training.

22 ~~SECTION 91. 7.31 (4m) of the statutes is created to read:~~

23 ~~7.31 (4m)~~ ^{(3) 3B} The board may produce and periodically reissue as necessary a video
24 ^{including} program for the purpose of training election officials, special voting deputies and

1 special registration deputies. The board shall make any such program available for
2 viewing electronically through an Internet-based system.

3 **SECTION 92.** 7.33 (3) of the statutes is amended to read:
4

5 7.33 (3) Every employer shall grant to each employee who is appointed to serve
6 as an election official under s. 7.30 a leave of absence for the entire 24-hour period
7 of each election day in which the official serves in his or her official capacity. An
8 employee who serves as an election official shall provide his or her employer with at
9 least 7 days' notice of application for a leave. The municipal clerk shall verify
10 appointments upon request of any employer.

11 **SECTION 93.** 7.37 (13) of the statutes is created to read:
12

13 7.37 (13) ^{CS CLOSING OF POLLS.} At the time the polls officially close, an inspector, including an
14 inspector appointed under s. 7.30 (1) (b), shall position himself or herself at the end
15 of the line of individuals waiting to vote, if any. Only individuals in line ahead of the
16 inspector shall be permitted to vote under s. 6.78 (4).

17 **SECTION 94.** 7.41 of the statutes is amended to read:

18 **7.41 Public's right to access.** (1) Any member of the public may be present
19 at any polling place, in the office of any municipal clerk whose office is located in a
20 public building on any day that absentee ballots may be cast in that office, or at an
21 alternate site under s. 6.855, on any day that absentee ballots may be cast at that site
22 for the purpose of observation of an election and the absentee ballot ^{voting} process, except
23 a candidate whose name appears on the ballot at the polling place or on an absentee
24 ballot to be cast at the clerk's office or alternate site at that election. The chief
25 inspector or municipal clerk may reasonably limit the number of persons
representing the same organization who are permitted to observe an election under
this subsection at the same time.

1 (2) The chief inspector or municipal clerk may restrict the location of any
2 individual exercising the right under sub. (1) to certain areas within a polling place,
3 the clerk's office or alternate site under s. 6.855. The chief inspector or municipal
4 clerk shall clearly designate such an area as an observation area. Designated
5 observation areas shall be so positioned to permit any authorized individual to
6 readily observe all public aspects of the voting process.

7 (3) The chief inspector or municipal clerk may order the removal of any
8 individual exercising the right under sub. (1) if that individual commits an overt act
9 which:

10 (a) Disrupts the operation of the polling place, clerk's office, or alternate site
11 under s. 6.855; or

12 (b) Violates s. 12.03 (2).

or 12.035 ✓

13 (4) No individual exercising the right under sub. (1) may view the confidential
14 portion of a registration list maintained under s. 6.36 (4) or a poll list maintained
15 under s. 6.79 (6). However, the inspectors or municipal clerk shall disclose to such
16 an individual, upon request, the existence of such a list, the number of electors whose
17 names appear on the list, and the number of those electors who have voted at any
18 point in the proceedings. No such individual may view the certificate of an absent
19 elector who obtains a confidential listing under s. 6.47 (2).

20 **SECTION 95.** 7.41 (5) of the statutes is created to read:

21 7.41 (5) The board shall promulgate rules regarding the proper conduct of
22 individuals exercising the right under sub. (1), including the interaction of those
23 individuals with inspectors and other election officials.

24 **SECTION 96.** 7.51 (1) of the statutes is amended to read:

1 7.51 (1) CANVASS PROCEDURE. Immediately after the polls close the inspectors
2 except any inspector appointed under s. 7.30 (1) (b) shall proceed to canvass publicly
3 all votes received at the polling place. In any municipality where an electronic voting
4 system is used, the municipal governing body or board of election commissioners may
5 provide or authorize the municipal clerk or executive director of the board of election
6 commissioners to provide for the adjournment of the canvass to one or more central
7 counting locations for specified polling places in the manner prescribed in subch. III
8 of ch. 5. No central counting location may be used to count votes at a polling place
9 where an electronic voting system is not employed. The canvass, whether conducted
10 at the polling place or at a central counting location, shall continue without
11 adjournment until the canvass is completed and the return ^{statement is} ~~statements are~~ made or,
12 in municipalities where absentee ballots are canvassed under s. 7.52, until the
13 canvass of all ballots cast is completed and the return statements for those ballots
14 are made. The inspectors shall not permit access to the name of any elector who has
15 obtained a confidential listing under s. 6.47 (2) during the canvass, except as
16 authorized in s. 6.47 (8).

17 **SECTION 97.** 7.51 (2) (c) of the statutes is amended to read:

18 7.51 (2) (c) Whenever the number of ballots exceeds the number of voting
19 electors as indicated on the poll list, the inspectors shall place all ballots face up to
20 check for blank ballots. In this paragraph, "blank ballot" means a ballot on which
21 no votes are cast for any office or question. The inspectors shall mark, lay aside and
22 preserve any blank ballots. If Except in municipalities where absentee ballots are
23 canvassed under s. 7.52, if the number of ballots still exceeds the number of voting
24 electors, the inspectors shall place all ballots face down and proceed to check for the
25 initials. The inspectors shall mark, lay aside and preserve any ballot not bearing the

1 initials of 2 inspectors or any absentee ballot not bearing the initials of the municipal
2 clerk. During the count the inspectors shall count those ballots cast by challenged
3 electors the same as the other ballots.

4 **SECTION 98.** 7.51 (2) (e) of the statutes is amended to read:

5 7.51 (2) (e) If, Except in municipalities where absentee ballots are canvassed
6 under s. 7.52, if after any ballots have been laid aside, the number of ballots still
7 exceeds the total number of electors recorded on the poll list, the inspectors shall
8 separate the absentee ballots from the other ballots. If there is an excess number of
9 absentee ballots, the inspectors shall place the absentee ballots in the ballot box and
10 one of the inspectors shall publicly and without examination draw therefrom by
11 chance the number of ballots equal to the excess number of absentee ballots. If there
12 is an excess number of other nonabsentee ballots, the inspectors shall place those
13 ballots in the ballot box and one of the inspectors shall publicly and without
14 examination draw therefrom by chance the number of ballots equal to the excess
15 number of those ballots. All ballots so removed may not be counted but shall be
16 specially marked as having been removed by the inspectors on original canvass due
17 to an excess number of ballots, set aside and preserved. When the number of ballots
18 and total shown on the poll list agree, the inspectors shall return all ballots to be
19 counted to the ballot box and shall turn the ballot box in such manner as to
20 thoroughly mix the ballots. The inspectors shall then open, count and record the
21 number of votes. When the ballots are counted, the inspectors shall separate them
22 into piles for ballots similarly voted. Objections may be made to placement of ballots
23 in the piles at the time the separation is made.

24 **SECTION 99.** 7.51 (3) (d) of the statutes is amended to read:

1 7.51 (3) (d) All Except in municipalities where absentee ballots are canvassed
2 under s. 7.52, all absentee certificate envelopes which have been opened shall be
3 returned by the inspectors to the municipal clerk in a securely sealed carrier
4 envelope which is clearly marked “used absentee certificate envelopes”. The
5 envelopes shall be signed by the chief inspector and 2 other inspectors. Except when
6 the ballots are used in a municipal or school district election only, the municipal clerk
7 shall transmit the used envelopes to the county clerk.

8 **SECTION 100.** 7.51 (4) (a) of the statutes is amended to read:

9 7.51 (4) (a) The tally sheets shall state the total number of votes cast for each
10 office and for each individual receiving votes for that office, whether or not the
11 individual's name appears on the ballot, and shall state the vote for and against each
12 proposition voted on. Upon completion of the tally sheets, the inspectors shall
13 immediately complete the inspectors' statements in duplicate statement. The
14 inspectors shall state the excess, if any, by which the number of ballots exceeds the
15 number of electors voting as shown by the poll list and shall state the number of the
16 last elector as shown by the poll lists. At least 3 inspectors, including the chief
17 inspector and, unless election officials are appointed under s. 7.30 (4) (c) without
18 regard to party affiliation, at least one inspector representing each political party,
19 but not including any inspector appointed under s. 7.30 (1) (b), shall then certify to
20 the correctness of the ~~statements~~ statement and tally sheets and sign their names.
21 All other election officials assisting with the tally shall also certify to the correctness
22 of the tally sheets. When the tally is complete, the inspectors shall publicly announce
23 the results from the ~~statements~~ statement.

24 **SECTION 101.** 7.51 (5) (a) of the statutes is amended to read:

1 7.51 (5) (a) 1. The inspectors shall make full and accurate return of the votes
2 cast for each candidate and proposition on tally sheet forms provided by the
3 municipal clerk for that purpose. Each tally sheet shall record the returns for each
4 office or referendum by ward, unless combined returns are authorized in accordance
5 with s. 5.15 (6) (b) in which case the tally sheet shall record the returns for each group
6 of combined wards.

7 2. After recording the votes, the inspectors shall seal in a carrier envelope
8 outside the ballot bag or container ~~one inspectors' statement under sub. (4) (a), one~~
9 tally sheet, and one poll list for delivery to the county clerk, unless the election relates
10 only to municipal or school district offices or referenda. *the*

11 3. The inspectors shall also similarly seal ~~one inspectors' statement, one tally~~
12 sheet, and one poll list for delivery to the municipal clerk. For school district
13 elections, except in 1st class cities, the inspectors shall ~~similarly seal one inspectors'~~
14 statement, one tally sheet, and one poll list for delivery to the school district clerk.

15 4. The inspectors shall immediately deliver all ballots, statements, tally sheets,
16 lists, and envelopes to the municipal clerk.

17 5. Upon receipt of the materials under subd. 4., the municipal clerk shall make
18 sufficient copies of the inspectors' statement under sub. (4) (a) and include a copy
19 with any materials required to be delivered to the county clerk and school district
20 clerk. The municipal clerk shall retain the original inspectors' statement.

21 **SECTION 102.** 7.51 (5) (b) of the statutes is amended to read:

22 7.51 (5) (b) The municipal clerk shall ~~arrange for delivery of deliver~~ all ballots,
23 statements, tally sheets, lists, and envelopes relating to a school district election to
24 the school district clerk by 4 p.m. on the day following each such election. The
25 municipal clerk shall deliver the ballots, statements, tally sheets, lists, and

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1 envelopes for his or her municipality relating to any county, technical college district,
2 state, or national election to the county clerk by 2 4 p.m. on the day following each
3 such election. The person delivering the returns shall be paid out of the municipal
4 treasury. Each clerk shall retain ballots, statements, tally sheets, or envelopes
5 received by the clerk until destruction is authorized under s. 7.23 (1).

6 **SECTION 103.** 7.52 of the statutes is created to read:

7 **7.52 Canvassing of absentee ballots. (1)** The governing body of any
8 municipality may provide by ordinance that, in lieu of canvassing absentee ballots
9 at polling places under s. 6.88, the municipal board of absentee ballot canvassers
10 designated under s. 7.53 (2m) shall canvass all absentee ballots at all elections held
11 in the municipality. Thereafter, at every election, the board of absentee ballot
12 canvassers shall, any time after the opening of the polls and before 10 p.m. on election
13 day, publicly convene to count the absentee ballots for the municipality. The
14 municipal clerk shall give at least 48 hours' notice of any meeting under this
15 subsection. Any member of the public has the same right of access to a meeting of
16 the municipal absentee ballot board of canvassers under this subsection that the
17 individual would have under s. 7.41 to observe the proceedings at a polling place. The
18 board of absentee ballot canvassers may order the removal of any individual
19 exercising the right to observe the proceedings if the individual disrupts the meeting.

20 **(2)** In counting the absentee ballots, the board of absentee ballot canvassers
21 shall use 2 duplicate copies of a single poll list for the entire municipality prepared
22 in accordance with s. 6.36 (2). Upon accepting each absentee ballot, the board of
23 absentee ballot canvassers shall enter a poll list number on the poll list next to the
24 name of the elector who voted the ballot, beginning with the number one. If the
25 elector's name does not appear on the poll list, the board of absentee ballot

1 canvassers shall enter the number on a separate list maintained under this
2 subsection.

3 **(3)** (a) The board of absentee ballot canvassers shall first open the carrier
4 envelope only, and, in such a manner that a member of the public, if he or she desired,
5 could hear, announce the name of the absent elector or the identification serial
6 number of the absent elector if the elector has a confidential listing under s. 6.47 (2).
7 When the board of absentee ballot canvassers finds that the certification has been
8 properly executed, the applicant is a qualified elector of the ward or election district,
9 and the applicant has not voted in the election, the board of absentee ballot
10 canvassers shall enter an indication on the poll list next to the applicant's name
11 indicating an absentee ballot is cast by the elector. The board of absentee ballot
12 canvassers shall then open the envelope containing the ballot in a manner so as not
13 to deface or destroy the certification thereon. The board of absentee ballot
14 canvassers shall take out the ballot without unfolding it or permitting it to be
15 unfolded or examined. Unless the ballot is cast under s. 6.95, the board of absentee
16 ballot canvassers shall verify that the ballot has been endorsed by the issuing clerk.
17 If the poll list indicates that proof of residence is required and no proof of residence
18 is enclosed or the name or address on the document that is provided is not the same
19 as the name and address shown on the poll list, the board of absentee ballot
20 canvassers shall proceed as provided under s. 6.97 (2). The board of absentee ballot
21 canvassers shall mark the poll list number of each elector who casts an absentee
22 ballot on the back of the elector's ballot. The board of absentee ballot canvassers shall
23 then deposit the ballot into the proper ballot box and enter the absent elector's name
24 or poll list number after his or her name on the poll list.

1 (b) When the board of absentee ballot canvassers finds that a certification is
2 insufficient, that the applicant is not a qualified elector in the ward or election
3 district, that the ballot envelope is open or has been opened and resealed, that the
4 ballot envelope contains more than one ballot of any one kind, or that the certificate
5 of an elector who received an absentee ballot by facsimile transmission or electronic
6 mail is missing, or if proof is submitted to the board of absentee ballot canvassers that
7 an elector voting an absentee ballot has since died, the board of absentee ballot
8 canvassers shall not count the ballot. Each member of the board of absentee ballot
9 canvassers shall endorse every ballot not counted on the back as “rejected (giving the
10 reason).” The board of absentee ballot canvassers shall reinsert each rejected ballot
11 into the certificate envelope in which it was delivered and enclose the certificate
12 envelopes and ballots, and securely seal the ballots and envelopes in an envelope
13 marked for rejected absentee ballots. The board of absentee ballot canvassers shall
14 endorse the envelope as “rejected ballots,” with a statement of the ward or election
15 district and date of the election, and each member of the board of absentee ballot
16 canvassers shall sign the statement. The board of absentee ballot canvassers shall
17 then return the envelope containing the ballots to the municipal clerk.

18 **(4)** (a) The board of absentee ballot canvassers shall then open the ballot box
19 and remove and count the number of ballots therein without examination except as
20 is necessary to ascertain that each is a single ballot. If 2 or more ballots are folded
21 together so as to appear as a single ballot, the board of absentee ballot canvassers
22 shall lay them aside until the count is completed; and if, after a comparison of the
23 count and the appearance of the ballots it appears to the board of absentee ballot
24 canvassers that the ballots folded together were voted by the same person they shall
25 not be counted but the board of absentee ballot canvassers shall mark them as to the

1 reason for removal, set them aside, and carefully preserve them. The board of
2 absentee ballot canvassers shall then proceed under par. (b).

3 (b) When during the counting of the ballots cast at an election the board of
4 absentee ballot canvassers finds that a ballot is so defective that it cannot determine
5 with reasonable certainty for whom it was cast, the board of absentee ballot
6 canvassers shall so mark the ballot and preserve it. The board of absentee ballot
7 canvassers shall not count the vote cast on the ballot for any office for which it
8 determines the ballot to be defective.

9 (c) Whenever the number of ballots exceeds the number of voting electors as
10 indicated on the poll list, the board of absentee ballot canvassers shall place all
11 ballots face up to check for blank ballots. In this paragraph, "blank ballot" means
12 a ballot on which no votes are cast for any office or question. The board of absentee
13 ballot canvassers shall mark, lay aside, and preserve any blank ballots. If the
14 number of ballots still exceeds the number of voting electors, the board of absentee
15 ballot canvassers shall place all ballots face down and proceed to check for the
16 initials. The board of absentee ballot canvassers shall mark, lay aside, and preserve
17 any ballot not bearing the initials of the municipal clerk. During the count, the board
18 of absentee ballot canvassers shall count those ballots cast by challenged electors the
19 same as the other ballots.

20 (d) The board of absentee ballot canvassers shall keep a written statement, in
21 duplicate, of the number of ballots set aside and the number of defective ballots and
22 challenged ballots. The statement shall contain a record of the reasons for setting
23 aside each ballot and the reasons why each defective or challenged ballot is defective
24 or challenged. The board of absentee ballot canvassers shall certify that the
25 statement is correct, sign it, and attach it to the tally sheets.

1 (e) If, after any ballots have been set aside, the number of ballots still exceeds
2 the total number of electors recorded on the poll list, the board of absentee ballot
3 canvassers shall place the absentee ballots in the ballot box and one of the members
4 shall publicly and without examination draw therefrom by chance the number of
5 ballots equal to the excess number of ballots. All ballots so removed shall not be
6 counted but shall be specially marked as having been removed by the board of
7 absentee ballot canvassers on original canvass due to an excess number of ballots,
8 set aside, and preserved. When the number of ballots and total shown on the poll list
9 agree, the board of absentee ballot canvassers shall return all ballots to be counted
10 to the ballot box and shall turn the ballot box in such manner as to thoroughly mix
11 the ballots. The board of absentee ballot canvassers shall then open, count, and
12 record the number of votes. When the ballots are counted, the board of absentee
13 ballot canvassers shall separate them into piles for ballots similarly voted.
14 Objections may be made to placement of ballots in the piles at the time the separation
15 is made.

16 (f) If corrected ballots under s. 5.06 (6) or 5.72 (3) are distributed under s. 7.10 ✓
17 (3), only the votes cast on the corrected ballots may be counted for any office or ✓
18 referendum in which the original ballots differ from the corrected ballots.

19 (g) The board of absentee ballot canvassers shall place together all ballots
20 counted by it ^{that} which relate to any national, state, or county office or any state, county,
21 or technical college district referendum and secure them together so ~~that~~ they cannot
22 be untied or tampered with without breaking the seal. The secured ballots, together
23 with any ballots marked "Defective," shall then be secured by the board of absentee
24 ballot canvassers in the ballot container in such a manner that the container cannot
25 be opened without breaking the seals or locks, or destroying the container. The board

1 of absentee ballot canvassers shall place the ballots cast under s. 6.97 in a separate,
2 securely sealed carrier envelope which is clearly marked "Section 6.97 ballots." Each
3 member of the board of absentee ballot canvassers shall sign the carrier envelope.
4 The carrier envelope shall not be placed in the ballot container. The board of
5 absentee ballot canvassers shall then deliver the ballots to the municipal clerk in the
6 ballot container and carrier envelope.

7 (h) For ballots that relate only to municipal or school district offices or
8 referenda, the board of absentee ballot canvassers, in lieu of par. (a), after counting
9 the ballots shall return them to the proper ballot boxes, lock the boxes, paste paper
10 over the slots, sign their names to the paper, and deliver them and the keys therefor
11 to the municipal or school district clerk. The clerk shall retain the ballots until
12 destruction is authorized under s. 7.23.

13 (i) All absentee certificate envelopes ^{that} which have been opened shall be returned
14 by the board of absentee ballot canvassers to the municipal clerk in a securely sealed
15 carrier envelope that is clearly marked "used absentee certificate envelopes." The
16 envelopes shall be signed by each member of the board of absentee ballot canvassers.
17 Except when the ballots are used in a municipal or school district election only, the
18 municipal clerk shall transmit the used envelopes to the county clerk.

19 (5) The vote of any absent elector may be challenged for cause and the board
20 of absentee ballot canvassers shall have all the power and authority given the
21 inspectors to hear and determine the legality of the ballot the same as if the ballot
22 had been voted in person.


23 (6) (a) The board of absentee ballot canvassers shall review each certificate
24 envelope to determine whether any absentee ballot is cast by an elector whose name
25 appears on the poll list as ineligible to vote at the election, including ineligibility to

1 vote by reason of a felony conviction. If the board of absentee ballot canvassers
2 receives an absentee ballot that has been cast by an elector whose name appears on
3 the poll list as ineligible to vote, the inspectors shall challenge the ballot in the same
4 manner as provided for inspectors making challenges under s. 6.92 and shall treat
5 the ballot in the manner as provided for treatment of challenged ballots by inspectors
6 under s. 6.95.

7 (b) Any elector may challenge for cause any absentee ballot other than a ballot
8 that was cast in person under s. 6.86 (1) (a) 2. or under s. 6.873. For the purpose of
9 deciding upon ballots that are challenged for any reason, the board of absentee ballot
10 canvassers may call before it any person whose absentee ballot is challenged if the
11 person is available to be called. If the person challenged refuses to answer fully any
12 relevant questions put to him or her by the board of absentee ballot canvassers under
13 s. 6.92, the board of absentee ballot canvassers shall reject the elector's vote. If the
14 challenge is not withdrawn after the person offering to vote has answered the
15 questions, one of the members of the board of absentee ballot canvassers shall
16 administer to the person the following oath or affirmation: "You do solemnly swear
17 (or affirm) that: you are 18 years of age; you are a citizen of the United States; you
18 are now and for 10 days have been a resident of this ward except under s. 6.02 (2);
19 you have not voted at this election; you have not made any bet or wager or become
20 directly or indirectly interested in any bet or wager depending upon the result of this
21 election; you are not on any other ground disqualified to vote at this election." If the
22 person challenged refuses to take the oath or affirmation, the person's vote shall be
23 rejected. If the person challenged answers fully all relevant questions put to the
24 elector by the board of absentee ballot canvassers under s. 6.92, takes the oath or
25 affirmation, and fulfills the applicable registration requirements, and if the answers

1 to the questions given by the person indicate that the person meets the voting
2 qualification requirements, the person's vote shall be received.

3 (7) The board of absentee ballot canvassers shall maintain tally sheets on
4 forms provided by the municipal clerk, which shall state the total number of votes
5 cast for each office and for each individual receiving votes for that office, whether or
6 not the individual's name appears on the ballot, and shall state the vote for and
7 against each proposition voted on. Upon completion of the canvass of the absentee
8 ballots, the board of absentee ballot canvassers shall immediately complete
9 statements in duplicate. The statements shall state the excess, if any, by which the
10 number of ballots exceeds the number of electors voting as shown by the poll list used
11 by the board of absentee ballot canvassers under this section and shall state the poll
12 list number of the last elector as shown by the poll list. Each member of the board
13 of absentee ballot canvassers shall then certify to the correctness of the statements
14 and tally sheets and sign their names. All other election officials assisting with the
15 tally shall also certify to the correctness of the tally sheets. When the tally is
16 complete, the board of absentee ballot canvassers shall publicly announce the results
17 from the statements and the records of the count are open to public inspection and
18 copying under s. 19.35 (1).



19 (8) The board of absentee ballot canvassers shall make full and accurate return
20 of the votes cast for each candidate and proposition on the tally sheet forms. Each
21 tally sheet shall record the returns for each office or referendum by ward, unless
22 combined returns are authorized in accordance with s. 5.15 (6) (b), in which case the
23 tally sheet shall record the returns for each group of combined wards. After
24 recording the votes, the board of absentee ballot canvassers shall seal in a carrier
25 envelope outside the ballot bag or container one inspector's statement under sub. (4)

1 (d), one tally sheet, and one poll list for delivery to the county clerk, unless the
2 election relates only to municipal or school district offices or referenda. The board
3 of absentee ballot canvassers shall also similarly seal one statement, one tally sheet,
4 and one poll list for delivery to the municipal clerk.

5 (9) The governing body of any municipality that has provided by ordinance
6 enacted under sub. (1) for the canvassing of absentee ballots at all elections held in
7 the municipality under this section may by similar action rescind that decision.
8 Thereafter, the absentee ballots at all elections held in the municipality shall be
9 canvassed as provided in s. 6.88.

10 SECTION 104. 7.53 (1) of the statutes is amended to read:

11 7.53 (1) MUNICIPALITIES WITH ONE POLLING PLACE. Where the municipality
12 constitutes one ward or combines all wards to utilize a single polling place under s.
13 5.15 (6) (b), the canvass of the votes cast at the polling place shall be conducted
14 publicly under s. 7.51 and the inspectors, other than any inspector appointed under
15 s. 7.30 (1) (b), shall act as the municipal board of canvassers. In municipalities where
16 absentee ballots are canvassed under ss. 7.52, after the canvass of the absentee
17 ballots is completed under s. 7.52, the board of absentee ballot canvassers shall
18 reconcile the poll list of the electors who vote by absentee ballot with the
19 corresponding poll list of the electors who vote in person to ensure that no elector is
20 allowed to cast more than one ballot. If an elector who votes in person has submitted
21 an absentee ballot, the absentee ballot is void. Upon completion of the canvass under
22 this section and any canvass that is conducted under s. 7.52 and ascertainment of the
23 results by the inspectors or, in municipalities where absentee ballots are canvassed
24 under s. 7.52, by the inspectors and the board of absentee ballot canvassers, the
25 municipal clerk shall publicly read to the inspectors or the board of absentee ballot

1 canvassers the names of the persons voted for and the number of votes for each
2 person for each municipal office, the names of the persons declared by the inspectors
3 or board of absentee ballot canvassers to have won nomination or election to each
4 municipal office, and the number of votes cast for and against each municipal
5 referendum question.

6 **SECTION 105.** 7.53 (2) (a) of the statutes is amended to read:

7 7.53 (2) (a) 1. Except as provided in par. (c), the municipal board of canvassers
8 for municipal elections in each municipality utilizing more than one polling place
9 shall be composed of the municipal clerk and 2 other qualified electors of the
10 municipality appointed by the clerk. The members of the board of canvassers shall
11 serve for 2-year terms commencing on January 1 of each odd-numbered year, except
12 that any member who is appointed to fill a permanent vacancy shall serve for the
13 unexpired term of the original appointee.

14 2. If the municipal clerk's office is vacant, or if the clerk cannot perform his or
15 her duties ~~or if the clerk is a candidate at an election being canvassed~~, the mayor,
16 president or board chairperson of the municipality shall designate another qualified
17 elector of the municipality to serve in lieu of the clerk for that election.

18 3. ~~If the clerk is a candidate at an election being canvassed, the clerk may~~
19 ~~perform his or her duties on the board only if the clerk does not have an opponent~~
20 ~~whose name appears on the ballot, or, in the case of a recount, if the office the clerk~~
21 ~~is seeking is not a subject of the recount. If the clerk is a candidate at the election~~
22 ~~being canvassed and has an opponent whose name appears on the ballot, or if the~~
23 ~~office the clerk is seeking is a subject of a recount, the mayor, president, or board~~
24 ~~chairperson of the municipality shall designate another qualified elector of the~~
25 ~~municipality to serve in lieu of the clerk for that election.~~

1 4. If any other member of the board of canvassers is a candidate at the election
2 being canvassed, the clerk shall appoint another qualified elector of the municipality
3 to temporarily fill the vacancy.

4 **SECTION 106.** 7.53 (2) (d) of the statutes is amended to read:

5 7.53 (2) (d) The municipal board of canvassers shall publicly canvass the
6 returns of every municipal election. The canvass shall begin within 24 hours after
7 the polls close. After any canvass of the absentee ballots is completed under s. 7.52,
8 the board of canvassers shall reconcile the poll list of the electors who vote by
9 absentee ballot with the corresponding poll list of the electors who vote in person to
10 ensure that no elector is allowed to cast more than one ballot. If an elector who votes
11 in person has submitted an absentee ballot, the absentee ballot is void. At the spring
12 election, the board of canvassers shall publicly declare the results on or before the
13 2nd Tuesday in April. The board of canvassers shall prepare a statement showing
14 the results of each election for any municipal office and each municipal referendum.
15 After each primary for municipal offices, the board of canvassers shall prepare a
16 statement certifying the names of those persons who have won nomination to office.
17 After each other election for a municipal office and each municipal referendum, the
18 board of canvassers shall prepare a determination showing the names of the persons
19 who are elected to each municipal office and the results of each municipal
20 referendum. The board of canvassers shall file each statement and determination
21 in the office of the municipal clerk or board of election commissioners.

22 **SECTION 107.** 7.53 (2m) of the statutes is created to read:

23 7.53 (2m) BOARD OF ABSENTEE BALLOT CANVASSERS. (a) If a municipality elects
24 to count absentee ballots in the manner provided for in s. 7.52, the municipality shall
25 establish a board of absentee ballot canvassers as provided in ^{par.} ~~sub.~~ (b).

1 (b) Except as provided in par. (c), the municipal board of absentee ballot
2 canvassers shall be composed of the municipal clerk, or a ~~designated representative~~ *qualified elector of the*
3 *municipality designated*
4 of the clerk, and 2 other qualified electors of the municipality appointed by the clerk.

5 The members of the absentee ballot board of canvassers shall serve for 2-year terms
6 commencing on January 1 of each odd-numbered year, except that any member who
7 is appointed to fill a permanent vacancy shall serve for the unexpired term of the
8 original appointee. If the municipal clerk's office is vacant or if the clerk and the
9 clerk's designee cannot perform his or her duties, the mayor, president or board
10 chairperson of the municipality shall designate another qualified elector of the
11 municipality to serve in lieu of the clerk for that election. If the clerk is a candidate
12 at an election being canvassed, the clerk or the clerk's designee may perform the
13 clerk's duties on the board of absentee ballot canvassers only if the clerk does not
14 have an opponent whose name appears on the ballot. If the clerk is a candidate at
15 the election being canvassed by the board of absentee ballot canvassers and has an
16 opponent whose name appears on the ballot, the mayor, president, or board
17 chairperson of the municipality shall designate another qualified elector of the
18 municipality to serve in lieu of the clerk and his or her designee for that election. If
19 any other member of the board of absentee ballot canvassers is a candidate at the
20 election being canvassed, the clerk shall appoint another qualified elector of the
21 municipality to temporarily fill the vacancy.

22 (c) Nothing in this subsection shall ~~preclude the~~ *precludes a* municipal clerk from
23 appointing individuals to the board of absentee ballot canvassers who are
24 simultaneously serving on any other board of canvassers.

SECTION 108. 7.60 (2) of the statutes is amended to read:

1 7.60 (2) COUNTY BOARD OF CANVASSERS. The county clerk and 2 qualified electors
2 of the county appointed by the clerk constitute the county board of canvassers. The
3 members of the board of canvassers shall serve for 2-year terms commencing on
4 January 1 of each odd-numbered year, except that any member who is appointed to
5 fill a permanent vacancy shall serve for the unexpired term of the original appointee.
6 One member of the board of canvassers shall belong to a political party other than
7 the clerk's. The county clerk shall designate a deputy clerk who shall perform the
8 clerk's duties as a member of the board of canvassers in the event that the county
9 clerk's office is vacant, or the clerk cannot perform his or her duties, or the clerk is
10 a candidate at an election being canvassed. If the county clerk and designated
11 deputy clerk are both unable to perform their duties, the county executive or, if there
12 is no county executive, the chairperson of the county board of supervisors shall
13 designate another qualified elector of the county to perform the clerk's duties. If a
14 member other than the clerk cannot perform his or her duties, the clerk shall appoint
15 another member to serve. No Except as otherwise provided in this subsection, no
16 person may serve on the county board of canvassers if the person is a candidate for
17 an office to be canvassed by that board. If the clerk is a candidate at an election being
18 canvassed, the clerk may perform his or her duties on the board only if the clerk has
19 no opponent whose name appears on the ballot, or, in the case of a recount, if the office
20 the clerk is seeking is not a subject of the recount. If lists of candidates for the county
21 board of canvassers are submitted to the county clerk by political party county
22 committees, the lists shall consist of at least 3 names and the clerk shall choose the
23 board members from the lists. Where there is a county board of election
24 commissioners, it shall serve as the board of canvassers. If the county board of
25 election commissioners serves as the board of canvassers, the executive director of

1 the county board of election commissioners shall serve as a member of the board of
2 canvassers to fill a temporary vacancy on that board.

3 **SECTION 109.** 8.10 (3) (intro.) of the statutes is amended to read:

4 8.10 (3) (intro.) The certification of a qualified elector circulator under s. 8.15

5 (4) (a) shall be appended to each nomination paper. The number of required
6 signatures on nomination papers filed under this section is as follows:

7 **SECTION 110.** 8.15 (4) (a) of the statutes is amended to read:

8 8.15 (4) (a) The certification of a qualified elector circulator stating his or her
9 residence with street and number, if any, shall appear at the bottom of each
10 nomination paper, stating he or she personally circulated the nomination paper and
11 personally obtained each of the signatures; he or she knows they are electors of the
12 ward, aldermanic district, municipality or county, as the nomination papers require;
13 he or she knows they signed the paper with full knowledge of its content; he or she
14 knows their respective residences given; he or she knows each signer signed on the
15 date stated opposite his or her name; and, that he or she, the circulator, resides
16 ~~within the district which the candidate named therein will represent, if elected is a~~
17 ~~qualified elector of this state, or if not a qualified elector of this state, is a~~
18 ~~qualified circulator;~~ that he or she intends to support the candidate; and that he or U.S.
19 she is aware that falsifying the certification is punishable under s. 12.13 (3) (a), Wis. citizen
20 stats. The circulator shall indicate the date that he or she makes the certification age 18 or
21 next to his or her signature. The certification may be made by the candidate or any older
22 qualified elector who, if
23 he or
24 she were
25 a resident
of this
state,
would
not be
disqualified
from voting
under s.
6.03, Wis.
Stats.

22 **SECTION 111.** 8.20 (3) of the statutes is amended to read:

23 8.20 (3) The certification of an elector a qualified circulator under s. 8.15 (4)

24 (a) shall be appended to each nomination paper.

25 **SECTION 112.** 8.37 of the statutes is amended to read:

8.37 Filing of referenda petitions or questions. Unless otherwise required by law, all proposed constitutional amendments and any other measure or question that is to be submitted to a vote of the people, or any petitions requesting that a measure or question be submitted to a vote of the people, if applicable, shall be filed with the official or agency responsible for preparing the ballots for the election no later than 42 days prior to the election at which the amendment, measure or question will appear on the ballot. The school district clerk shall file a copy of any such measure or question filed on behalf of that is placed on the ballot by with a school district shall also be provided to the clerk of each county having territory within the school district no later than 42 days prior to the election at which such measure or question will appear on the ballot.

SECTION 113. 8.40 (2) of the statutes is amended to read:

8.40 (2) The certification of a qualified elector circulator stating his or her residence with street and number, if any, shall appear at the bottom of each separate sheet of each petition specified in sub. (1), stating that he or she personally circulated the petition and personally obtained each of the signatures; that the circulator knows that they are electors of the jurisdiction or district in which the petition is circulated; that the circulator knows that they signed the paper with full knowledge of its content; that the circulator knows their respective residences given; that the circulator knows that each signer signed on the date stated opposite his or her name; that the circulator ~~resides within the jurisdiction or district in which the petition is~~ elector of this state, or if not a qualified elector of this state, ~~circulated is a qualified circulator;~~ and that the circulator is aware that falsifying the certification is punishable under s. 12.13 (3) (a). The circulator shall indicate the date that he or she makes the certification next to his or her signature.

SECTION 114. 9.01 (1) (b) (intro.) of the statutes is amended to read:

which the petition is
of this state, that the
are that falsifying the
or shall indicate the
signature.
led to read:

1 9.01 (1) (b) (intro.) The Except as provided in this paragraph, the proper board
2 of canvassers shall reconvene no earlier than 9 a.m. on the day following delivery of
3 notice to all candidates under sub. (2) and no later than 9 a.m. on the day following
4 the last day for filing of a petition and proceed to recount the ballots in the wards or
5 municipalities specified and to review the allegations of fact contained in the petition
6 or petitions. If s. 6.22 (5m) (dm) applies, the board of canvassers ~~may not proceed~~ ^{shall}
7 with the recount until 9 a.m. on the day following the last day for filing of a petition
8 and, if s. 6.22 (5m) (e) applies, ~~may not proceed~~ ^{shall} with the recount until it complies with
9 s. 6.22 (5m) (f). The recount shall proceed for each ward or municipality as follows:

10 **SECTION 115.** 9.01 (10) of the statutes is amended to read:

11 9.01 (10) STANDARD FORMS AND METHODS. The elections board shall prescribe
12 standard forms and procedures for the making of recounts under this section. The
13 procedures prescribed by the elections board shall require the boards of canvassers
14 in recounts involving more than one board of canvassers to consult with the elections
15 board staff prior to beginning any recount in order to ensure that uniform procedures
16 are used, to the extent practicable, in such recounts.

17 **SECTION 116.** 9.10 (2) (b) of the statutes is amended to read:

18 9.10 (2) (b) A recall petition for requesting the recall of a city, village, town or
19 school district office officer shall contain a statement of a reason for the recall which
20 is related to the official responsibilities of the official for whom removal is sought
21 each cause for the recall and the grounds that constitute each cause. In this
22 paragraph, "cause" means official misconduct or malfeasance in office.

23 **SECTION 117.** 9.10 (2) (d) of the statutes is amended to read:

24 9.10 (2) (d) No petition may be offered for filing for the recall of an officer unless
25 the petitioner first files a registration statement under s. 11.05 (1) or (2) with the

1 filing officer with whom the petition is filed. The petitioner shall append to the
2 registration a statement indicating his or her intent to circulate a recall petition, the
3 name of the officer for whom recall is sought and, in the case of a petition for the recall
4 of a city, village, town or school district officer, a statement of ~~a reason for the recall~~
5 ~~which is related to the official responsibilities of the official for whom removal is~~
6 ~~sought~~ each cause, as defined in par. (b), for the recall and the grounds that constitute
7 each cause. No petitioner may circulate a petition for the recall of an officer prior to
8 completing registration. The last date that a petition for the recall of a state,
9 congressional, legislative, judicial or county officer may be offered for filing is 5 p.m.
10 on the 60th day commencing after registration. The last date that a petition for the
11 recall of a city, village, town or school district officer may be offered for filing is 5 p.m.
12 on the 30th day commencing after registration. After the recall petition has been
13 offered for filing, no name may be added or removed. No signature may be counted
14 unless the date of the signature is within the period provided in this paragraph.

15 **SECTION 118.** 9.10 (2) (em) 2. of the statutes is amended to read:

16 9.10 (2) (em) 2. The residency of the circulator ~~cannot be determined by the~~
17 ~~information given on the petition~~ is not a qualified circulator.

18 **SECTION 119.** 9.10 (4) (a) of the statutes is amended to read:

19 9.10 (4) (a) Within 10 days after a petition for the recall of a city, village, town,
20 or school district ~~official~~, officer is offered for filing, the officer against whom the
21 petition is filed may file a written challenge with the municipal clerk or board of
22 election commissioners or school district clerk with whom it is filed, specifying any
23 alleged insufficiency. If a challenge is filed, the petitioner may file a written rebuttal
24 to the challenge with the clerk or board of election commissioners within 5 days after
25 the challenge is filed. If a rebuttal is filed, the officer against whom the petition is

1 filed may file a reply to any new matter raised in the rebuttal within 2 days after the
2 rebuttal is filed. Within 14 days after the expiration of the time allowed for filing a
3 reply to a rebuttal, the clerk or board of election commissioners shall file the
4 certificate or an amended certificate. Within 31 days after the petition is offered for
5 filing, the clerk or board of election commissioners shall determine by careful
6 examination of the face of the petition whether the petition is sufficient and shall so
7 state in a certificate attached to the petition. If the petition is found to be insufficient,
8 the certificate shall state the particulars creating the insufficiency. The petition may
9 be amended to correct any insufficiency within 5 days following the affixing of the
10 original certificate. Within 2 days after the offering of the amended petition for filing,
11 the clerk or board of election commissioners shall again carefully examine the face
12 of the petition to determine sufficiency and shall attach to the petition a certificate
13 stating the findings. Immediately upon finding an original or amended petition
14 sufficient, except in cities over 500,000 population, the municipal clerk or school
15 district clerk shall transmit the petition to the governing body or to the school board.
16 Immediately upon finding an original or amended petition sufficient, in cities over
17 500,000 population, the board of election commissioners shall file the petition in its
18 office.

19 **SECTION 120.** 10.01 (2) (e) of the statutes is amended to read:

20 10.01 (2) (e) Type E—The type E notice shall state the qualifications for
21 absentee voting, the procedures for obtaining an absentee ballot in the case of
22 registered and unregistered voters, and the places and the deadlines for application
23 and return of application, including any alternate site under s. 6.855, and the office
24 hours during which an elector may cast an absentee ballot in the municipal clerk's
25 office or at an alternate site under s. 6.855. The municipal clerk shall publish a type

1 E notice on the 4th Tuesday preceding each spring primary and election, on the 4th
2 Tuesday preceding each September primary and general election, on the 4th Tuesday
3 preceding the primary for each special national, state, county or municipal election
4 if any, on the 4th Tuesday preceding a special county or municipal referendum, and
5 on the 3rd Tuesday preceding each special national, state, county or municipal
6 election to fill an office which is not held concurrently with the spring or general
7 election. The clerk of each special purpose district which calls a special election shall
8 publish a type E notice on the 4th Tuesday preceding the primary for the special
9 election, if any, on the 4th Tuesday preceding a special referendum, and on the 3rd
10 Tuesday preceding a special election for an office which is not held concurrently with
11 the spring or general election except as authorized in s. 8.55 (3).

12 **SECTION 121.** 10.02 (3) (a) of the statutes is amended to read:

13 10.02 (3) (a) Upon entering the polling place and before being permitted to vote,
14 an elector shall state his or her name and address and provide identification proof
15 ~~of residence under s. 6.34 if required by federal law.~~ *If an elector is not*
16 to electors, the initials of 2 inspectors must appear on the ballot. Upon being *registered*
17 permitted to vote, the elector shall retire alone to a voting booth or machine and cast *to vote*
18 his or her ballot, except that an elector who is a parent or guardian may be *an elector*
19 accompanied by the elector's minor child or minor ward. An election official may *may register*
20 inform the elector of the proper manner for casting a vote, but the official may not *to vote*
21 in any manner advise or indicate a particular voting choice. *at the*
Polling
place serving
his or her
residence
if the elector
provides proof of
residence or the
elector's registration
is verified by
another
elector
of the
same
ward or
election district
where the elector
resides

22 **SECTION 122.** 12.03 (title) and (1) of the statutes are amended to read:

23 **12.03 (title) Election day campaigning Campaigning restricted.** (1) No
24 election official may engage in electioneering on election day. No municipal clerk
25 ~~or employee of the clerk, or other person who assists electors cast absentee ballots in~~

1 ~~the clerk's office or at an alternate site under s. 6.855 may engage in electioneering~~
2 ~~in the clerk's office or at the alternate site during the hours that ballots may be cast~~
3 ~~at those locations.~~ *under s. 6.855 ✓*

4 **SECTION 123.** 12.03 (2) of the statutes is repealed and recreated to read:

5 12.03 (2) (a) 1. No person may engage in electioneering during polling hours
6 on election day at a polling place. ✓

7 2. No person may engage in electioneering during the hours that absentee
8 ballots may be cast in the municipal clerk's office or at an alternate site under s.
9 6.855. ✓

10 (b) 1. No person may engage in electioneering during polling hours on any
11 public property on election day within 100 feet of an entrance to a building containing
12 a polling place.

13 2. No person may engage in electioneering during the hours that absentee
14 ballots may be cast on any public property within 100 feet of an entrance to a building
15 containing the municipal clerk's office or an alternate site under s. 6.855. ✓

16 (d) (c) This subsection does not apply to the placement of any material on the
17 bumper of a motor vehicle that is *parked or operated at a place and time*
18 *where electioneering is prohibited under this subsection*
~~the hours that absentee ballots may be cast.~~

19 **SECTION 124.** 12.03 (4) of the statutes is amended to read:

20 12.03 (4) In this section, "electioneering" means any activity which is intended
21 to influence voting at an election or voting by absentee ballot.

22 **SECTION 125.** 12.035 of the statutes is created to read:

23 (b) *posting and distribution of election-related material.*
24 12.035 (1) In this section, "election-related material" means any written
matter which describes, or purports to describe, the rights or responsibilities of

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1 individuals voting or registering to vote at a polling place or voting an absentee ballot
2 at the office of the municipal clerk or an alternate site under s. 6.855.

3 (2) The legislature finds that posting or distributing election-related material
4 at the polling place, at locations where absentee ballots may be cast, or near the
5 entrance to such locations when voting is taking place may mislead and confuse
6 electors about their rights and responsibilities regarding the exercise of the franchise
7 and tends to disrupt the flow of voting activities at such locations. The legislature
8 finds that the restrictions imposed by this section on the posting or distribution of
9 election-related material are necessary to protect the compelling governmental
10 interest in orderly and fair elections.

11 (3) (a) No person may post or distribute any election-related material during
12 polling hours on election day at a polling place.

13 (b) No person may post or distribute any election-related material during
14 polling hours on any public property on election day within 100 feet of an entrance
15 to a building containing a polling place.

16 (c) No person may post or distribute any election-related material during hours
17 that absentee ballots may be cast at the office of the municipal clerk or at an alternate
18 site under s. 6.855.

19 (d) No person may post or distribute election-related material during the hours
20 that absentee ballots may be cast on any public property within 100 feet of an
21 entrance to a building containing the office of the municipal clerk or an alternate site
22 under s. 6.855.

23 (4) Subsection (3) does not apply to any of the following:

24 (a) *The posting or distribution of* Election-related material posted or distributed by the municipal clerk or
25 other election officials.

1 (b) The placement of any material on the bumper of a motor vehicle located on
2 such property. *public*

3 (5) A municipal clerk, election inspector, or law enforcement officer may
4 remove election-related material posted in violation of sub. (3) and may confiscate
5 election-related material distributed in violation of sub. (3).

6 SECTION 126. 12.07 (2) of the statutes is amended to read:

7 12.07 (2) No employer may refuse to allow an employee to serve as an election
8 official under s. 7.30 or make any threats or offer any inducements of any kind to the
9 employee for the purpose of preventing the employee from so serving. ✓

10 SECTION 127. 12.09 of the statutes is repealed and recreated to read:

11 **12.09 Election Threats.** (1) No person may personally or through an agent
12 make use of or threaten to make use of force, violence, or restraint in order to induce
13 or compel any person to vote or refrain from voting at an election.

14 (2) No person may personally or through an agent, by abduction, duress *or any*
15 fraudulent device or contrivance, impede or prevent the free exercise of the franchise
16 at an election.

17 (3) No person may personally or through an agent, by any act compel, induce,
18 or prevail upon an elector either to vote or refrain from voting at any election for or
19 against a particular candidate or referendum.

20 SECTION 128. 12.13 (3) (ze) of the statutes is created to read:

21 12.13 (3) (ze) Compensate *a person who obtains voter registration forms*
22 number of voter registrations gathered *from other persons*
obtained by the person

23 SECTION 129. 12.13 (4) of the statutes is repealed.

24 SECTION 130. 12.60 (1) (b) of the statutes is amended to read:

1 12.60 (1) (b) Whoever violates s. 12.03, 12.05, 12.07, 12.08 or 12.13 (2) (b) 8., (3)
2 (b), (c), (d), (g), (i), (n) to (x), (ze), (zm) or (zn) may be fined not more than \$1,000, or
3 imprisoned not more than 6 months or both.

4 **SECTION 131.** 12.60 (1) (c) of the statutes is amended to read:

5 12.60 (1) (c) Whoever violates s. 12.13 (3) (am) ~~or (4)~~ may be required to forfeit
6 not more than \$500.

7 **SECTION 132.** 12.60 (1) (d) of the statutes is amended to read:

8 12.60 (1) (d) Whoever violates s. 12.035 or 12.13 (3) (h) may be required to
9 forfeit not more than \$100.

10 **SECTION 133.** 17.29 of the statutes is amended to read:

11 **17.29 Effect of chapter.** The provisions of this chapter supersede all contrary
12 provisions in either the general law or in special acts, except ~~ch. 7 ss. 6.26 (2) (b), 6.28~~
13 (2) (b), 6.55 (6), ^{6.875}~~6.873~~, and 7.30 relating to appointed election officers appointed for
14 the election wards or polling places in the state officials and ch. 21 relating to the
15 military staff of the governor and to officers of the Wisconsin national guard; and
16 shall govern all offices whether created by general law or special act, unless
17 otherwise specially provided.

18 **SECTION 134.** 301.03 (3a) of the statutes is created to read:

19 301.03 (3a) Subject to all of the following, design a form to provide notice under
20 ss. 302.117, 973.09 (4m), and 973.176 (2) of ineligibility to vote under s. 6.03 (1) (b):

21 (a) The form shall inform the person who is ineligible to vote that he or she may
22 not vote in any election until his or her civil rights are restored.

23 (b) The form shall inform the person who is ineligible to vote when his or her
24 civil rights are expected to be restored.

1 (c) The form shall include a place for the person to sign indicating that he or
2 she understands that he or she may not vote in any election until his or her civil
3 rights are restored. The form shall include a place also for a witness signature.

4 (d) The form shall be kept in the person's file and a copy shall be given to the
5 person. ✓

6 **SECTION 135.** 301.03 (20) of the statutes is created to read:

7 301.03 (20) Transmit to the elections board, on a continuous basis, a list
8 containing the name of each living person who has been convicted of a felony under
9 the laws of this state and whose civil rights have not been restored, together with his
10 or her residential address and the date on which the department expects his or her
11 civil rights to be restored. ✓

12 **SECTION 136.** 302.117 of the statutes is amended to read:

13 **302.117 Notice regarding ineligibility to vote.** When an inmate who is
14 disqualified from voting under s. 6.03 (1) (b) ✓ is released to parole or extended
15 supervision, the department shall inform the person in writing that he or she may
16 not vote in any election until his or her civil rights are restored. The department shall
17 use the form designed under s. 301.03 (3a) to inform the person, and the person and
18 a witness must sign the form.

19 **SECTION 137.** 880.33 (9) of the statutes is amended to read:

20 880.33 (9) All the rights and privileges afforded a proposed incompetent under
21 this section shall be given to any person who is alleged to be ineligible to register to
22 vote or to vote in an election by reason that such person is incapable of understanding
23 the objective of the elective process. The determination of the court shall be limited
24 to a finding that the elector is either eligible or ineligible to register to vote or to vote
25 in an election by reason that the person is or is not capable of understanding the

1 objective of the elective process. The determination of the court shall be
2 communicated in writing by the clerk of court to the election official or agency
3 charged under s. 6.48, 6.92, 6.925 or 6.93, or 7.52 (5) with the responsibility for
4 determining challenges to registration and voting which may be directed against
5 that elector. The determination may be reviewed as provided in s. 880.34 (4) and (5)
6 and any subsequent determination of the court shall be likewise communicated by
7 the clerk of court.

8 **SECTION 138.** 973.09 (4m) of the statutes is amended to read:

9 973.09 (4m) The department shall inform each probationer who is disqualified
10 from voting under s. 6.03 (1) (b) that he or she may not vote in any election until his
11 or her civil rights are restored. The department shall use the form designed under
12 s. 301.03 (3a) to inform the probationer, and the probationer and a witness must sign
13 the form.

14 **SECTION 139.** 973.176 (2) of the statutes is amended to read:

15 973.176 (2) VOTING. Whenever a court imposes a sentence or places a defendant
16 on probation for a conviction that disqualifies the defendant from voting under s. 6.03
17 (1) (b), the court shall inform the defendant in writing that he or she may not vote
18 in any election until his or her civil rights are restored. The court shall use the form
19 designed by the department of corrections under s. 301.03 (3a) to inform the
20 defendant, and the defendant and a witness must sign the form.

21 **SECTION 140. Nonstatutory provisions.**

22 (1) ^(C) ELECTION-RELATED CONTINGENCY PLANNING.

23 (1) ^A The elections board shall prepare a report and recommendations with
24 regard to state and local election-related contingency planning efforts and
25 preparedness regarding natural disasters or terrorist activities that may occur at or
near election time. No later than ^{the first day of the 7th month beginning after} July 1, 2006, the elections board shall submit the ^{publication} of this ^{act}

1 report and recommendations to the chief clerk of each house of the legislature for
2 distribution to the appropriate standing committees of the legislature in the manner
3 provided under section 13.172 (3) of the statutes.

4 (2) ^{CS AUDITS OF LOCAL ELECTION PRACTICES.} The elections board shall prepare recommendations with regard to random
5 post-election audits of local election practices to be conducted in the fall of
6 odd-numbered years. The recommendations ^{shall} must include recommendations on how
7 local election practices ^{in a given municipality} may be reviewed by election officials of other, similar-sized
8 municipalities and how the state will fund such audits. No later than December 31,
9 2006, the elections board shall submit the recommendations to the chief clerk of each
10 house of the legislature for distribution to the appropriate standing committees of
11 the legislature in the manner provided under s. 13.172 (3) of the statutes.

12 (3) ^{CS} Polling place observation ^{rules} rules.

13 (a) The elections board shall submit in proposed form the rules required under
14 section 7.41 (5) of the statutes, as created by this act, to the legislative council staff
15 under section 227.15 (1) of the statutes ^{the 60th day beginning after publication} no later than February 1, 2006.

16 (b) Using the procedure under section 227.24 of the statutes, the elections
17 board may promulgate rules required under s. 7.41 (5) of the statutes, as created by
18 this act, for the period before the effective date of the rules submitted under
19 paragraph (a), but not to exceed the period authorized under section 227.24 (1) (c)
20 and (2) of the statutes. Notwithstanding section 227.24 (1) (a), (2) (b), and (3) of the
21 statutes, the board is not required to provide evidence that promulgating a rule
22 under this paragraph as an emergency rule is necessary for the preservation of the
23 public peace, health, safety, or welfare and is not required to provide a finding of
24 emergency for a rule promulgated under this paragraph.

(CS)

FEES FOR COPIES OF REGISTRATION LIST,

1 (4) The elections board may promulgate emergency rules under section 227.24
2 of the statutes implementing section 6.36 (5) ^{of the statutes} as created by this act.
3 Notwithstanding section 227.24 (1) (c) and (2) of the statutes, emergency rules
4 promulgate under this subsection remain in effect until the date on which permanent
5 rules take effect. Notwithstanding section 227.24 (1) (a) and (3) of the statutes, the
6 elections board is not required to provide evidence that promulgating a rule under
7 this subsection as an emergency rule is necessary for the preservation of public
8 peace, health, safety, or welfare and is not required to provide a finding of emergency
9 for a rule promulgated under this subsection.

109 (5) No later than the first day of the 6th month beginning after the effective date
11 of this subsection, the department of corrections shall distribute, and have signed in
12 front of a witness, a copy of the form designed under section 301.03 (3a) of the
13 statutes, as created by this act, to each person who is on probation, parole, or
14 extended supervision on that date and who is disqualified from voting in any election
15 under section 6.03 (1) (b) of the statutes.

16 SECTION 141. Initial applicability.

17 (1) NOTICE OF SCHOOL DISTRICT REFERENDA. The treatment of section 8.37 first
18 applies to a measure or question required to be filed under section 8.37 of the statutes
19 on or after the effective date of this act.

20 (2) RECOUNTS. The treatment of section 5.90 by this act first applies to recount
21 petitions filed on the effective date of this act.

22 (3) TERMS OF CERTAIN POLL WORKERS. The treatment of sections 7.30 (2) (am), (6)
23 (a), and (6) (am) first applies to appointments made on or after the effective date of
24 this act. ^{subsection}

1 (4) PETITIONS FOR RECALL. The treatment of sections 9.10 (2) (b), (d), and (4) (a)
2 first applies with respect to petitions for recall that are offered for filing on the
3 effective date of this subsection.

4 (5) CIRCULATORS OF NOMINATION PAPERS AND PETITIONS. The treatment of sections
5 5.02 (16g), 8.10 (3) (intro.), 8.15 (4) (a), 8.20 (3), 8.40 (2), and 9.10 (2) (am) 2., first
6 applies with respect to nomination paper circulation periods that begin and petitions
7 that are initially circulated on the effective date of this subsection.

8 (6) NOTIFICATION REGARDING INELIGIBILITY TO VOTE DURING PAROLE OR EXTENDED
9 SUPERVISION. The treatment of section 302.117 of the statutes first applies to persons
10 whom the department of corrections releases to parole or extended supervision on
11 the effective date of this subsection.

12 (7) NOTIFICATION REGARDING INELIGIBILITY TO VOTE DURING PROBATION. The
13 treatment of section 973.09 (4m) of the statutes first applies to persons whom the
14 court places on probation on the effective date of this subsection.

15 (8) NOTIFICATION AT SENTENCING REGARDING INELIGIBILITY TO VOTE. The treatment
16 of section 973.176 (2) of the statutes first applies to persons whom the court sentences
17 on the effective date of this subsection.

18 (9) ELECTION OFFICIAL TRAINING. The treatment of sections 7.15 (1m), 7.30 (2)
19 (c), and 7.31 by this act first applies to election officials appointed to serve for
20 elections held in 2008.

21 **SECTION 142. Effective dates.** This act takes effect on the day after
22 publication, except as follows:

23 (1) **EFFECTIVE DATE FOR NOTIFICATION.** The treatment of sections 302.117, 973.09
24 (4m), and 973.176 (2) of the statutes and section 133 (6), (7), and (8) of this act take
25 effect on the first day of the 6th month beginning after publication.

SECTION 142

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(2) ~~EFFECTIVE DATE FOR FORMS.~~ The treatment of section 301.03 (3a) of the statutes and section 132 (5) of this act take effect on the day after publication.

(END)